

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

-----X  
Milagros Franco,

*Plaintiff,*

*-against-*

380 Second LLC, and Small Door Gramercy LLC,

*Defendants.*  
-----X

Case No.: 22-cv-04011

**DECLARATION OF  
ATILIO LEVERATTO**

I, Atilio Leveratto, declare as follows:

1. I am the owner and founder of Leveratto Architecture Group LLC, and I am an architect licensed in New York and California, and am New Jersey NCARB Certified. A true and correct copy of my curriculum vitae is annexed hereto as Exhibit “A”.

2. I respectfully submit this declaration in support of Defendants’ motion for summary judgment.

3. I was retained by Defendants 380 Second LLC and Small Door Veterinary, PLLC (the “Defendants”) to conduct an on-site survey of the interior and exterior of the Small Door Veterinary clinic located at 380 Second Avenue, New York, New York (the “Facility”), and to undertake and record measurements of the Facility’s façade and sidewalk.<sup>1</sup>

4. I was also retained to proactively recommend proposals for removing architectural barriers that allegedly exist at the Subject Premises, so as to satisfy the requirements prescribed by the 2010 ADA Standards for Accessible Design.

5. The purpose of the on-site survey was to peer-review the 17-page Accessibility Status Report, prepared by Jonathan White, AIA, NCARB (the “White Report”) and to survey the

---

<sup>1</sup> Leveratto Architecture Group LLC was not the Architect of Record for this Facility.

components of the Facility which the White Report alleges do not meet the technical specifications published by the Department of Justice in the ADA Standards for Accessible Design.

6. I conducted an on-site survey of the Facility on June 9, 2023, and published my findings in a 6-page report (the “Rebuttal Report”). A true and correct copy of the Rebuttal Report is annexed hereto as Exhibit “B”.

7. As detailed in the Rebuttal Report, the White Report identified a number of purported accessibility barriers at the Facility. As detailed below, each of the purported accessibility barriers has either been remediated or further remediation is not required under applicable law.

8. Specifically, with respect to the accessible route and exterior access to the Facility, as detailed in Sections 1.1 through 1.6 of the Rebuttal Report, since the date the Rebuttal Report was issued, Defendants have installed a fully compliant permanent wheelchair ramp and rail providing access to the Facility.

9. A true and correct copy of the NYC Department of Buildings (“DOB”) filing summary for job number M00880139-I1, filed on or around May 24, 2023, for the construction permit for the installation of a permanent ramp, is annexed hereto as Exhibit “C”.

10. True and correct copies of signed and sealed architectural drawings submitted in connection with the May 24, 2023 permit, are annexed hereto as Exhibit “D”.

11. A true and correct copy of the NYC DOB filing summary for job number M00880139-S1, filed on or around May 31, 2023, for the construction permit for the relocation of the existing siamese sprinkler fire department connection (“FDC”), is annexed hereto as Exhibit “E”.

12. True and correct copies of signed and sealed architectural drawings submitted in connection with the May 31, 2023 permit, are annexed hereto as Exhibit “F”.

13. On or around October 24, 2023, the NYC DOB completed and signed off on the construction of the permanent ramp, and on the relocation of the siamese FDC.

14. True and correct copies of the photographs, showing the fully constructed permanent ramp, are annexed hereto as Exhibit “G”.

15. With respect to the accessibility of the interior ramp in the Facility as detailed in Sections 2.1 through 2.3 of the Rebuttal Report, Exam Room 1 is designated as the accessible exam room, and such exam room is on the same ground level as reception. To enter this exam room, a client does not need to use the internal ramp and, therefore, the ramp would not be considered an accessible path.

16. In connection with the accessibility of certain features in the reception area of the Facility as detailed in Sections 3.1 through 3.2 of the Rebuttal Report, such features have been remediated as follows or are otherwise compliant with applicable accessibility standards:

(a) As detailed in the Rebuttal Report, the coffee machine is within 48” AFF, and the bottle filler pictured in the White Report also shows touch controls at/below 48” AFF.

(b) Benches adhering to ADA 903.2 are only required in sections 612 (Saunas and Steam Rooms), 803 (Dressing, Fitting, and Locker Rooms), and 807 (Holding Cells and Housing Cells) of the 2010 ADA. Additionally, Defendants have provided a clear floor area to meet the requirement for 30”x 48” wheelchair clearance in the reception/waiting area.

17. In connection with the accessibility of the toilet room in the Facility as detailed in Sections 4.1 through 4.11 of the Rebuttal Report, since the Rebuttal Report was issued, Small Door Veterinary has since made its toilet room for employees only and, as a result, the public no longer

has access to the toilet room. Signage has been placed on the toilet room door indicating that the toilet room is for employees only.

18. Finally, with respect to the accessibility of the exam rooms as detailed in Sections 5.1 through 5.4 of the Rebuttal Report, such features have been remediated as follows or are otherwise compliant with applicable accessibility standards:

(a) Since the Rebuttal Report was issued, room signage (with raised characters and Braille) has been added to all rooms within the practice.

(b) Since the Rebuttal Report was issued, Small Door Veterinary has adjusted the door hardware to meet a 5 lb. maximum push/pull.

(c) Since the Rebuttal Report was issued, all sinks remain as previously reviewed. However, sinks in all exam rooms are for employee use only as part of treatment procedure and are not accessible to the public.

(d) Since the Rebuttal Report was issued, all exam tables remain as previously reviewed. However, the exam tables in every room are fold-up/down and are in use based on the size of the animal being examined. These folding tables are for employee use only (*i.e.*, not publicly accessible) and are used in treatment/examination of animals while the employee is in standing position. In the folded down position, the exam tables are ADA compliant and not in the ADA circulation path as defined by ANSI A117.1-2009.

**[Remainder of Page Intentionally Left Blank]**

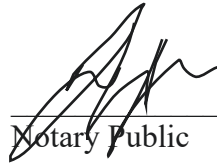
**[Signature Page to Follow]**

**Verification**

I, Atilio Leveratto, declare under penalty of perjury under the laws of the United States of America and New York that the foregoing facts and statements are true and correct to the best of my knowledge.

Dated: New York, New York  
December 21, 2023

**ATILIO LEVERATTO**

  
\_\_\_\_\_  
Atilio Leveratto  
\_\_\_\_\_  
Notary Public

Jason Mizrahi  
Notary Public, State of New York  
Registration #02MI6434172  
Qualified in New York County  
Commission Expires May 31, 2026